



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
STEPHEN P. COBBOLD) Examiner : P. Gambel
HERMAN WALDMANN)
Serial No. 08/047,344)
Filed : March 29, 1993) Group Art Unit : 1806
For : MONOCLONAL ANTIBODIES)
FOR INDUCING TOLERANCE)

DECLARATION PURSUANT TO 35 U.S.C. § 1.131

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

I, Herman Waldmann, declare that:

1. I am the same Herman Waldman named as inventor on the above-referenced patent application.
2. I currently hold the position of Kay Kendall Professor of Therapeutic Immunology in the Department of Pathology of the University of Cambridge. I am head of the Immunology Division within that department.
3. I am familiar with the Office Action issued by the U.S. Patent and Trademark Office on July 13, 1993, in connection with this application and with the references cited therein.
4. In the Action, the Examiner has rejected claims 1-17 under 35 U.S.C. § 102(f) as being unpatentable over two papers, (1) Qin, Wise, Cobbold, Leong, Kong, Parnes and Waldmann, Eur. J. Immunol. 20 (1990), pp. 2737-2745 and (2) Cobbold, Martin and Waldmann, Eur. J. Immunol. 20 (1990), pp. 2747-2755. The Examiner stated that the papers presented an ambiguity with regard to inventorship.
5. The criteria for being names as an author on a scientific publication are quite different from those for being an inventor of an invention claimed in a patent application. The

individuals listed as authors on the papers cited by the Examiner did not make inventive or conceptual contributions to the invention of the present application.

6. Shixin Qin worked under the direction of Dr. Stephen P. Cobbold and me to carry out many of the experiments described in the paper on which his name appears. Dr. Qin did not make contributions to the conception of the invention of the present application.

7. Matt Wise carried out some of the experiments described in the paper on which his name appears, under the direction of Dr. Cobbold and myself. He did not make conceptual contributions to the invention of the present application.

8. Louise Leong was included as an author on the paper on which her name appears in error because of an experiment she carried out that was included in a preliminary draft of the paper but was not included in the final version submitted for publication. Ms. Leong made no conceptual contributions to the invention of the present application.

9. Yi-Chi M. Kong characterised an anti-CD4 antibody used in the paper on which his name appears. His work forms no part of the invention of the present application.

10. Jane R. Parnes was involved in the characterization of an anti-CD4 antibody used in the paper on which her name appears. Some of this work was actually carried out in her laboratory at Stanford University. Dr. Parnes's work forms no part of the invention of the present application.

11. Gilly Martin assisted Dr. Cobbold and myself with some of the experiments described in the paper on which her name appears. Ms. Martin made no conceptual contribution to the invention of the present application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 100 of Title 18 of the United States Code, and that such willful false statements may

jeopardize the validity of the application or any patent issued thereon.

H.Waldmann
Herman Waldmann

22 / 9 / 93
Date